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feasibility, of MSS sharing of this band with existing broadcast operations that remain to be addressed.

REPLY COMMENTS

The WARC-92 Final Report and Addendum allocated the 1970-2010 MHz band globally for primary use in MSS earth to space operations.[2/] This allocation need not be implemented "before 1 January 2005." ITU, Addendum and Corrigendum to the Final Acts of the World Administrative Radio Conference, Malaga-Torremolinos, at 17 (1992). However, in the United States, the allocation will "not commence before 1 January 1996." Id.

In the comments filed in this proceeding, a number of parties have urged that the United States support an accelerated implementation schedule at WRC-93 for the MSS spectrum allocations established at WARC-92, including the 1970-2010 MHz band allocation. See, e.g., Comments of Loral Qualcomm, ET Docket No. 93-198, at 9 (July 19, 1993); Comments of COMSAT, ET Docket No. 93-198, at 2, 4 (July 19, 1993); see also Comments of Motorola, ET Docket No. 93-198, at 8 (July 19, 1993). Specifically, these parties urge the United States at WRC-93 to support the inclusion of an accelerated

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2/ WARC-92 allocated a number of bands for MSS services. See ITU, Final Acts of the World Administrative Radio Conference (WARC-92) and Addendum and Corrigendum to the Final Acts of the World Administrative Radio Conference, Malaga-Torremolinos (1992); see also In the Matter of Redevelopment of Spectrum, First Report and Order, 7 FCC Rcd 6886, 6887 & 6887 n.12 (1992) (listing the bands and uses allocated at WARC-92 to MSS).

implementation schedule for the MSS allocations on the WRC-95 and/or WRC-97 agenda. Other commenters suggest that WRC-93 should put additional spectrum allocations for MSS on the agenda for WRC-95 and/or WRC-97.[3/]

Although MSTV does not oppose the allocation of spectrum to MSS as a general matter, MSTV strongly believes that before the United States delegation supports expediting the effective date of the WARC-92 spectrum allocations for MSS, it should consider carefully the feasibility of implementing such allocations domestically.

As the Commission is well-aware, the 1990-2110 MHz band is currently allocated for auxiliary broadcast operations. See 47 C.F.R. §§ 2.106, 74.602(a) (1993); see also In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services, (NOI), 5 FCC Rcd 3995, 3997 (1990) (noting that 1990-2110 MHz band is "allocated to auxiliary broadcast and cable use"); cf. Notice, at ¶ 6-8 (noting the WARC-92 1930-2010 MHz band allocation for MSS without mentioning that the 1990-2010 MHz band is presently being used for auxiliary broadcast operations).

Broadcasters currently use the 1990-2110 MHz band for electronic news gathering ("ENG"), intercity relays ("ICRs"), and studio-to-transmitter tower links ("STLs"). In

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[3/] See Comments of TRW, Inc., ET Docket No. 93-198, at 5 (July 19, 1993); Comments of Orbital Communications Corp., ET Docket No. 93-198, at 5 (July 19, 1993).

addition, cable system operators and networks are also authorized to use this band for auxiliary transmissions.

Television broadcasters rely extensively on this band incident to their daily operations; intense congestion already exists in the band, particularly in larger metropolitan areas.[4/] Moreover, given the possibility of mandatory dual ATV/NTSC broadcast operations in the relatively near future, there is every reason to believe that use of the broadcast auxiliary spectrum will significantly increase.[5/]

Despite the extensive use of the 1990-2010 MHz band by broadcasters, no engineering plan has been put forward to date showing that sharing in this band between MSS earth to space links and broadcaster auxiliary operations is feasible. Because of the potential ubiquity of mobile satellite uplinks and the potential power disparities between those transmissions and broadcast uses, successful sharing of the

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[4/] See Reply Comments of MSTV, Gen. Docket No. 89-554, at 3-4 (Jan. 8, 1991); Comments of Capital Cities/ABC, Engineering Statement of Kenneth Brown, Gen. Docket No. 90-314 (Oct. 1, 1990); Cohen, Television Auxiliary Frequencies Usage Surveys, Washington, D.C. (1989) (attached to the NAB's Comments in Gen. Docket No. 90-314 (Oct. 1, 1990)); see also Comments of NAB, Gen. Docket No. 90-314 (Oct. 1, 1990); Comments of Capital Cities/ABC, Inc., Gen. Docket No. 90-314 (Oct. 1, 1990); Comments of Cox Broadcasting and Multimedia, Inc., Gen. Docket No. 90-314 (Oct. 1, 1990); Comments of H & C Communications, Inc., Gen. Docket No. 90-314 (Oct. 1, 1990).

[5/] ATV and NTSC operations will likely require some stations to use separate equipment and transmitter feeds, thus significantly increasing the use of auxiliary broadcast spectrum. See generally In the Matter of Advanced Television Systems, Third Report and Order, 7 FCC Rcd 6924, 6970-80 (1992).

1990-2010 MHz band seems likely to be both problematic and limited.[6/]

Clearly, further study is needed to determine the extent to which shared use of the 1990-2010 MHz band is feasible. Given the pre-existing domestic allocation of the 1990-2010 MHz band to auxiliary broadcast operations, its current heavy use by broadcasters, and the increased need for auxiliary broadcast spectrum that will be required for ATV, committing the United States to a global allocation of the 1990-2010 MHz band by 1996 is hopelessly unrealistic.[7/]

CONCLUSION

MSTV urges the Commission to proceed cautiously until more is known about the technical considerations for

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[6/] Indeed, in an earlier proceeding, one commenter in the instant proceeding suggested that such sharing might not be feasible. See In the Matter of Redevelopment of Spectrum, First Report and Order, 7 FCC Rcd 6886, 6888 n.15 (1992) ("AMSC also contends that for MSS, sharing with other services is not likely to be feasible.")

[7/] MSTV also feels compelled to point out a significant misstatement in COMSAT's comments. COMSAT incorrectly asserts that "the Commission has taken action to reallocate the 1850-2200 MHz segment of the spectrum for use by emerging technologies." Comments of COMSAT, ET Docket No. 93-198, at 7 (July 19, 1993). The Commission considered, but rejected, allocating the 1990-2110 MHz band to "emerging technologies." Compare In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services, 5 FCC Rcd 3995, 3998 (1990) ("we seek comment on the feasibility of relocating the microwave licensees in the bands 1850-1990 MHz, 1990-2110 MHz, and 2110-2200 MHz") with In the Matter of Redevelopment of Spectrum to Encourage Innovation in the Use of New Telecommunication Technologies, First Report and Order, 7 FCC Rcd 6886, 6890 (1992) ("we are allocating the 1850-1990, 2110-2150 MHz, 2160-2200 MHz bands for the development and implementation of emerging technologies on a shared basis with the fixed service").

spectrum sharing between broadcast auxiliary operations and MSS earth to space links. The Commission should determine whether such sharing is technically possible before committing the United States to a global effort to implement the 1990-2010 MHz band allocation to MSS prior to 2005. Unless and